G. R. S. IX-5]

Previous references. 1-2

File No. 155—16

1916.

Serial Nos. 3—6

(Inwards)

Later references.

99-25

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 3—6.

Part B for March. 17.

SUBJECT.

Appeal to the Privy Council against the decision of the High Court of Madras in the matter of the claim of Sosale Sri Vyasaraya Matt to certain landed property in Madura town leased out permanently by some previous Swamy of the Matt.

To, Inwz. Supdt. of Comptr. to Govt.

No. 2313—A. D. 17-3-17.

Sanctions the Inwz. Supdt's proposal to prefer an ——

Received

W D 88—GPB—50,000—24-7-16

V. R. Appadurai.
(Br. VII-D. 25.5.17).

G.R.S 11] 1916-17

GENERAL AND REVENUE SECRETARIAT.

(Mlg)

NOTES.

File No. 155-16

FILE HEADING.

Appeal to the Privy Council against the decision of the High Court of Madras in the matter of the claim of the Sosale Sri Vyasaraya Mutt to certain landed property in Madura town leased out perpetually by some swamy (proprietor) of the mutt.

From

The Magrai Supdt. in Mupar

No. 877 Dated 25-1-17 Received 25-1-17

Diary No. 1197	Enclos. 4	Spare Copies.	Serial No. 3

BRIEF ABSTRACT OF LETTER.

Submits copies of judgment & decree passed by the High Court of Madras declaring that the Plaintiff Balasami Iyer is entitled to the possession of the suit property as the permanent lessee and recommending that, as the property involved is very valuable, an appeal may be preferred to the Privy Council

NOTES AND ORDERS.

In G.O. no. 643-4/Mlg-155-16-2 of 2-9-16 an advance of Rs 250/- was sanctd. to be drawn by the Magrai Supdt, subject to future adjustment, to meet the cost of appeal in the High Court of Madras in the matter of the claim of the mutt to the possessio

NOTES—First Sheet.

GPB—35,000—15 6 12

WD 1283—GPB—60 000—1 12-16—S.

G. R. S. III-2.

General and Revenue Secretariat. | File No. 155 of 1916.

Serial No.

of the lands in Arapalayam village, Madura Taluk, leased out by a previous Swamy of the mutt.

2 The High Court having now decided the case adverse to the interests of the mutt, it is now proposed to appeal to the Privy Council in the matter as recommended by the Vakil, who defended the case in the High Court. The cost is estimated at Rs 9000, exclusive of cost of correspondence by cablegram. ~~and Vakil's fees (Rs 500) for preparing the case for appeal to the Privy Council.~~

3. In G. O. No. 1478-9/Mis 167-15-4 dt 17-12-15, a sum of Rs 1,100 was sanctd to meet the costs of appeal to the High Court in the matter of ~~right~~ higher compensation ~~to~~ claimed by the mutt for the price of land purchased by the Madura Municipality out of the lease land, and the claim is reported to have been dismissed.

A portion at least cost will be realised from Balasubramania Iyer who was substituted as appellant in place of the Mutt Ld.

4 Submd for orders as to whether the opinion of the Govt Advocate may be obtained in the matter of the proposed appeal to the Privy Council.

25.1.17

26/1/17

NOTE—Contn. sheet.

WD 1238—GPB—60 000—1 12-16—S.

G R. S. III-2)

General and Revenue Secretariat. | File No. 153 of 1916.

Serial No.

The written opinion of Mr. T. Varadachariar may be kindly perused. He is of opinion that there is a good chance of success if the matter is taken before the Privy Council. The doctrine now enunciated by the H. Ct. is a novel one. While it would leave the Malabar pattaki at the mercy of any discontented disciple, it would make it easy for anabivar to obtain an indefeasible title by prescription. The property in dispute is worth nearly Rs 5,000 and by any mode has other properties similarly situated and which it has been trying to claim back.

6 The initial cost is no doubt heavy but the matter is quite capable of meeting the outlay. Sanction may be accorded for an appeal to the Privy Council in the matter

Sig
26. 1. 17

1594/26.1 (Rt member)

If there is time, I would suggest one of the Advocates being consulted

NOTE—Contn. sheet.

WD 1233—GPB—60 000—1 12-16—S.

G. R. S. III-2)

General and Revenue Secretariat.

My File No. 155 of 1916.

Serial No.

Mutt W.O No 78
. 30.1.17

U.O. No. 44 of 16-17

G. REV. SECT.
9 FEB 1917

the Deputy Collector's opinion at a very early date.

29/1 Dec 1911

Forwarded to the Govt. Advocate with compliments for favour of opinion. The matter may be treated as urgent.

Sd/- Lakshmanaswamy
30.1.17 Under Secretary to Govt.

Two questions arise for Consideration in this Case - The first is whether the Matadhipathi for the time being can enter into or execute a permanent lease in respect of property belonging to the Mutt, so as to bind for ever his successors in office & the next is assuming that he cannot do so, Can the permanent lessee acquire by prescription an indefeasible right so as to bar the succeeding heads of the Mutt from suing to recover the property so leased - Both the Sub-Judge & the High Court decide the first question in the negative - The 2nd question

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1 12-16—S

Serial No.

is answered in the negative by the Subordinate Judge & in the affirmative by the High Court - In dealing with this question it is essential to consider the exact position which the Head of the mutt occupies in relation to the mutt properties, that is to say

(i) whether he is a mere trustee in the sense in which that term is usually understood,

or (ii) whether he is an absolute owner competent to deal with the property in any manner he likes

and if he is neither what is the exact position he occupies?

The Madathipathi has been held in I.L.R 27 mad 435 to be not a mere trustee, but one having an Estate for life in the permanent Endowments of the mutt and an absolute property in the income derived from offerings. subject only to the burden of maintaining the institution - In other words, he cannot alienate or charge

NOTE—Contn. sheet.

ND 123—GPL—60 (00—1 12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | File No. 153 of 1916

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the Corpus beyond his own life so as to bind the mutt Except for purposes plainly necessary for the maintenance of the mutt. But his powers have been held to be not restricted like the powers of the Dharmakarthas or Managers of temples who are mere trustees for the Carrying out of the trust. This aspect of it has been thus emphasised in 27 mad 485

"Law gives the heads of mutts full power of disposition in respect of the income after defraying the established charges of the institution and in respect of the Corpus treated the individuals composing the line of succession as in the position of tenants for life"

The above view was considered by the referring Judge in a Later Case (I.L.R 33 mad 265) to be in Conflict with the pronouncement in two Earlier Cases (I.L.R 2 mad 175 & 10 mad 371) to the effect that the Head of the mutt occupied the position

NOTE—Contn. sheet.

MD 123—GPL—60 000—1 12-16—S.

G. R. S. III-2]

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of a trustee of the mutt Endowments & not that of the owner of a life Estate in the properties forming the Endowment. Disagreeing therefore with the views as they understood it Enunciated in 27 mad 435 they were of the opinion that the Head of the mutt was the trustee of its property vested however with a wide discretion as to the mode in which to apply its profits & receipts for the benefit of the institution. As however there was, in their opinion a Conflict of views in this matter they referred to the Full Bench the question as to whether the head of the mutt held the properties Constituting its Endowment as a life tenant or a trustee. In answering this question the learned judges reviewed all the previous authorities & arrived at the result that in respect of properties entrusted to the Head of the mutt for specified Charities he was a trustee bound to Carry out the trust; and that he was also subject to the

NOTE—Contn. sheet.

ND 123—GPL—60 (00—1 12-16—S.

Serial No.

ordinary liabilities of a trustee, though doubtless with a wide discretionary power of dealing with the income of the trust property in carrying out the trust. It was held that it could not be predicated of the Head of the mutt as such that he holds the properties constituting the endowment as a life tenant or a trustee". It was further held "that the incidents attaching to the property depended in each case upon the conditions on which they were given or which may be inferred from the long continued and well established usage & custom of the institution in respect thereto". In other words as Wallis J puts it that "When properties are given by the faithful to the Head of the Mutt for the time being without any statement as to the purposes to which they were to be applied, it would be going too far to hold that

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1 12-16—S

Serial No.

~~the grantee to be~~ such gifts were given or accepted on an implied trust but. on the other hand the inference ~~was to be~~ suggested by the circumstances of the case & the usage was that it was not intended to fetter the donees by any trusts dealing with the gifts as to make them accountable for their manner in dealing with them" So that in respect of gifts not granted on specific trusts he is not a trustee, neither can he be regarded as a life tenant, and he is not an absolute owner free to deal with the property as such. He cannot encumber or alienate the property because "the mutt is a permanent institution of which he is the Head & he has to pass the property to his successor". (see 33 mad. page 276.) If that is the position of the Head of the mutt then it follows that the execution of a permanent lease is in excess of his powers. But assuming that in excess of his powers he does execute such a lease, does the lessee by enjoyment

NOTE—Contn. sheet.

Serial No.

for over the Statutory period acquire a valid title so as to bar the right of the Successor of the Swami to recover possession. I.L.R 38 m 356 is a direct authority for the position that there could be no bar of limitation in such cases, because the position of the Head of the Mutt according to the learned Judges' is neither that of an absolute owner (as he cannot ordinarily alienate the Corpus) nor that of a mere tenant for life (as he represents fully the ownership of the Mutt properties for certain purposes) and is therefore analogous in many respects to the estate of a Hindu widow.

Such being the State of the law in the Madras Pres.y, very strong reasons are required to upset the current of decisions & to hold the contrary as is done in the appeal now in question. The strongest reason

NOTE—Contn. sheet

G. R. S. 12]

General and Revenue Secretariat. | File No. 153 of 1916.

Serial No.

urged is that 27 mad 435 & 33 mad 265 and a fortiori 38 mad 356 are impliedly overruled by the Privy Council in the very recent case reported in 43 Cal 707. Is it so done? I should have no hesitation in giving an answer in the negative but for the fact that one of the Judges Sadasiva Ayer J who was a party to 38 mad 356 is a party to this decision as well. and it becomes therefore necessary to examine 43 Cal 707 in some detail. The question which their Lordships of the Privy Council had to decide in 43 Cal 707 was as to which of the two rival claimants - the 2nd who was claimed to be a bairagi or celibate chela or the 2nd Respt. a married & non-celibate Chela of the Mahant in whose favour the Mahant by written agreement abdicated his headship - should succeed to the office & position of the Mahant & to the properties appertaining to the [illegible]

NOTE—Contn. sheet

GPB—70 000—17 12 15

G. R. S. 121

General and Revenue Secretariat. | File No. 153 of 1916

Serial No.

According to the Custom of that particular mutt the Mahant ought to be of the Bairagi or Celibate class. On the Evidence it was found that the Dft had proved his position as the Senior Bairagi chela of the mutt Competent to fill the office of Mahant. It was also found that the 2nd Defr was a married man & the father of children and therefore disqualified for the office. This finding was sufficient to dispose of the Case & in fact it was the only question which their Lordships had to decide. But in dealing with the question as to whether the Mahant was Competent to resign his office & transfer the properties of the mutt to a disqualified disciple Constituted as his Successor against the usage of the institution their Lordships have incidentally referred to the incidents of his office as Mahant. They observe in page 713 "that he manages the property of the institution:

NOTE—Contn. sheet

GPB—70 000—17 12 15

Serial No.

administers its affairs & the whole assets are vested in him as the owner thereof in trust for the institution "itself"; and on page 714 they say "that the Mutt property is held by the Mahant as the owner & the succession to him in such property follows with the succession to the office xx. The nature of the ownership is one in trust for the Mutt or the institution itself & that although large administrative powers are undoubtedly vested in the reigning Mahant this trust does exist". Their Lordships however 'note with approval' a passage from Sir Charles Turner's judgt in 2 mad 175, page 179 "to the effect extracted therein viz "we do not of course mean to lay down that the property may not in some cases be held on different conditions & subject to different incidents" Incidentally it is also remarked that the Mahant is not only a spiritual preceptor but also a trustee

Serial No.

in respect of the Asthal (mutt) over which he presides & that the alienation made by him in favour of his favored disqualified Bhila the 2nd Dept. was inconsistent with his duty & position "as Guardian of the religious institution" and done in violation of those vows & practices of asceticism & celibacy which it was his duty "as Trustee to maintain & protect".

These observations taken by themselves are no doubt restrictive of his position as Head of the Mutt to that of a bare trustee. But it has to be remembered that general observations made in the course of a judgt must be applied with reference to the facts of the case in connection with which they were made & also subject to the limitations expressed in other parts of the judgt. (See 33 Mad bottom of page 372) we have therefore to take it that these observations were made

NOTE—Contn. sheet

Serial No.

not in or for determining any issue about the extent of the powers of the Head of the mutt to deal with the property of the mutt adversely to its interest but made with a view to emphasise his incapacity to dispose of the office of mahant and incidentally the property appertaining thereto on the footing of absolute owner in favour of one incompetent to hold the office. The question of limitation or the applicability of art 134 to transfers of the kind now in question did not arise either directly or indirectly for adjudication & I am unable to perceive how 38 mad 356 can be held to have been overruled by 43 Cal 707.

In these circumstances the correctness of the decision of the Madras High Court seems to me with due deference open to doubt and if the friends of the mutt will persist in an appeal may the proper

NOTE—Contn. sheet

GPB—70 000—17 12 15

G. F S. 12]

General and Revenue Secretariat. | Revenue File No. 153 of 1916.

Serial No.

to the Privy Council. My recollection is that in the agreement of the year 1911 entered into by the present lessees an undertaking was given by them to bear all the expenses of the litigation in all the Courts - If that is so they are liable to bear this heavy outlay -

Under art. 179 Sch II of the Limitation act the period of limitation is 6 months from the date of the decree of the High Court

8.2.17. S Doraiswami for Govt Advocate

Submitted with the opinion of the Govt Advocate

9.2.17

The Govt: advocate has examined the Law on the subject and thinks that the decision of the Madras High Court is open to doubt and that an appeal to the Privy Council maybe preferred

No doubt the lessees had undertaken to bear the Cost of litigation from the first to

NOTE—Contn. sheet

GPB—72 000—17 12 15

WD 1233—GPL—60 000—1 12-16—S.

G. R. S. III-2

General and Revenue Secretariat. | Mung File No. 153 of 1916.

Serial No.

Last Court. It is open to the Mutt to undertake proceedings before Privy council. However I heard that they were not willing or unable to incur the heavy initial expenditure I am trying to arrive at some settlement with them in the matter, and I shall report result later on. In the meanwhile Sanction may be accorded to the matter being carried before the Privy Council

(1st Member) 9. 2. 17

Rec 10.2.17 1850/10 2 4640/12 2.17.

Sanction may be accorded for an appeal being preferred to the Privy council.

(Member) 12/2

12.2.17

I have no objection to an appeal being preferred provided the cost is correctly estimated and the Matt consents to bear the entire amount.

After taking necessary action, the papers may be submitted to His Highness for information.

19.2.17

Draft attached

22.2.17

NOTE—Contn. sheet.

ND 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat.

Mis File No. 155 of 1916.

Serial No.	
	Draft order subd for appl SD 22-2-17 ann 23/2/17 I think it necessary to consult the Swamigalu also. Put up a draft Vig Pal. lee 22-2-17 Submitted with a dft Vig pabulka for appl. May the dft ~~V~~ approved VP ann 23/2/17 issued. ann 23/2/17 Yes Issue lee 23-2-17
4	No: 2104 dy 23.2.17, to the Swamigalu, requests an expression of his views in the matter & states that the Govt Advocate as well as Mr P. Narasimha Iyer, High Court Vakil of Madras have both opined that the case is a fit one for appeal being preferred to the Privy Council
5	From the Swamigalu of the Sri Vyasaraya Matt., Srimukha No. 658 dy 5-3-17 States that the proposal appeal to the Privy Council may be preferred, if Govt are confident that there are good grounds for success in the litigation.
	According to the orders of the Govt

NOTE—Contn. sheet.

ND 1233- G 1 L—60 000—1 12-16—S.

R -S. III-2]

General and Revenue Secretariat.

Mg File No. 155 of 1916.

Serial No.

Subd for orders with reference to the orders of the Dewan in page 17 of the note. The Swamy has given a qualified consent in the matter of the proposed appeal to the Privy Council -

It is a point for orders whether a revised estimate of the costs has to be called for before Govt sanction is accorded to the appeal being preferred.

A draft order revised by the H. Secretary is on the file - The draft revised by the H Secy was not approved by him then as he wanted to Consult the Swamigalu before hand. Now as the Swamigalu has given his consent to prefer the appeal the draft may be approved ~~as~~ as we have no time to lose.

SD 14-3-17

arm 14/3/17

Imue 15/3

6 No: 2313-4 of 17.3.17, to Mercy Supdt Kumpta Sein. Ists the Mercy Supdt is hereby authorised to prefer an appeal in the case to the Privy Council, the whole cost being borne from the Mutt funds.

NOTE—Contn. sheet.

ND 12, 3—GPB—60,000—1 12-16—S.

S. III-2]

General and Revenue Secretariat. | Mug File No. 153 of 1916.

Serial No.

Orders in the matter of appeal to the Privy Council having issued, the file is subd for submission to His Highness for information, as directed by the Dewan on page 17 of the note.

89/1917 ann 1917

Putting up a D.S.N.
hq
20.3.17

Submitted with a D.S.N. (Typed)
ann
29/3/17

Submitted to Dewan through the Ist member
hq
29.3.17

25-11/30/3

Many be offd
30/3 ann 31/3

55 800/2.4.17

hq
2.4.17

NOTE—Contn. sheet.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Papers relating to certain lands owned by Vyasarayaswami Matt in --- Arapalyam village, Madura Taluk.

1063

Order.

~~KRW~~
3/5/17

Lanka (Mazagon)
5.5.17
7/5/17

Submitted to His Highness.

These papers relate to certain lands owned by Vyasarayaswami Matt in Arapalyam village, Madura Taluk and included within the limits of the Madura Municipality. Under a general Power of Attorney executed by the Swami, the Government of Mysore are managing the properties of the Matt situated outside Mysore and these lands have also been under Government management.

2. The lands have been the subject of litigation and the High Court of Madras have recently found against the Matt. The leading facts are summarised in the accompanying memorandum.

3. Mr. T. Narasimha Iyengar, High Court Vakeel, Madras and Mr.C.S. Doraswami Iyer, Government Advocate, who were consulted in the matter consider that the decision of the High Court is open to objections of sorts and that there are good grounds for preferring an appeal to the Privy Council.

4. As the property in dispute was a valuable one and as the principle enunciated by the High Court was likely to be prejudicial in the administration of such estates, the Muzrai Superintendent recommended that the case may be taken up to the Privy Council.

5. The First Member was in favour of according sanction to an appeal being preferred to the Privy Council and I saw no objection to the proposal, provided the cost was correctly estimated and the Matt consented to bear the entire cost.

6. On receipt of consent from the Swamigalu, orders have been issued sanctioning the proposal. The papers are now submitted for the information of His Highness.

M. Visvesvaraya
23-11-1917

acres in Survey No.5 from Srimat Vidya Srinivasa Theertha Swamigalavaru on 17th March 1891, for an annual rental of Rs.24/-

4. On a portion of this land, there is a cocoanut garden which was leased out by him to one Urugalakonan for a short period, and the remaining extent was leased out to one Chokkalingam Pillay for 10 years from 20th May 1899 for an annual rental of Rs.96/- and upon this, the lessee put up a theatre.

5. Subsequently on 27th September 1902, and during the currency of the above leases, Venkatarayachar leased out the whole extent to Venkatasami Naick for a period of 10 years the lease to take effect after the termination of the existing leases, for a consideration of Rs.1325/-. The right to recover rent from Chokkalingam Pillay, the former lessee, was also transferred to the next lessee.

6. On the termination of Chokkalingam Pillay's lease, the theatre he had built was removed by him.

7. Venkatasami Naick afterwards rented out this theatre site to one Sankaralingam Pillay for a monthly rent of Rs.10/-. He in his turn built on the site the existing theatre.

8. On 24th February 1905, Venkatarayachar and his eldest son Venkatanarasimhachar sold their right as a permanent

lessee to one Puliyadi A. Balasami Iyer of Madura for a sum of Rs.4475/-, the purchaser to come into possession of the property after the termination of venkatasami Naick's lease on 27th September 1912.

9. When these matters came to the notice of the Government Agent, he gave the parties concerned to understand that neither the so called permanent lease nor the transactions of venkatarayachar would stand, and that the Government of Mysore who are the legally constituted agents of the Matt should be approached in the matter.

10. Upon this, venkatasami Naick and Sankaralingam Pillay petitioned the Muzrai Superintendent on 22nd August 1911 for the lease of the land in question for 17 years at a rental of Rs.120/- per annum, the petitioners undertaking to conduct at their cost any litigations that might arise at the instance of Balasami Iyer.

11. The Government Advocate was consulted as regards the advisability of the transaction and the suitability of the proposed lease deed, and on his expressing a favourable opinion, a fresh lease was granted to Venkatasami Naick and Sankaralingam Pillay for a period of 17 years from 28th November 1911 for a rental of Rs.130/- per year, the lessees binding themselves to defray all costs of litigation.

12. Balasami Iyer filed a suit (O.S. No.24/1913) in the Sub Court of Madura to recover, among other things, the possession of the property. Venkatasami Naik, Sankaralingam Pillay, and the Swamigalvaru have been made defendants together with 23 others who have some connection or other with it. Venkatarayachar and his son Venkatanarasimhachar were also made parties to the suit as 2nd and 3rd Plaintiffs respectively.

13. The case coming on final hearing on 29th October 1914, the Sub Judge passed a judgment in favour of the Matha on all accounts and declared that the 1st plaintiff P. Balasami Iyer was not entitled to the possession and enjoyment of the suit property as permanent lessee thereof.

14. P. Balasami Iyer preferred an appeal against the above order to the High Court of Madras, who reversed the order of the lower Court and declared that the Swami's legal status was only that of a trustee and that any right he or the institution had in the property was barred by limitation.

lha
29.3.17

GEN. & REV. SECRETARIAT
VII
MUZRAI

WD 019—GPB—1,000—10-4-16

No. 877
Encls. Four.

OFFICE OF THE MUZRAI SUPERINTENDENT IN MYSORE,
Dated Bangalore, 25th January 1917.

1197
16 17
1555-16
3

FROM

G. ARAVAMUDU IYENGAR, ESQ., B.A., B.L.,
MUZRAI SUPERINTENDENT IN MYSORE,
BANGALORE.

To

D. M. Narasinga Rao, Esquire, B.A., B.L.
Secretary to the Government of His Highness
the Maharaja of Mysore, General Department.

SIR,

With reference to Government Proceedings No.643-4/M.F. 155-16-2 dated 2nd September 1916, sanctioning an advance of Rs.250/- to meet the Vakil's fee and other incidental expenses to defend the appeal preferred by Puliyadi Balasami Iyer against the decree of the Court of the Temporary Sub Judge of Ramnad in O.S.No.61 of 1914, I have the honour to submit herewith copies of judgment and decree passed by the High Court of Madras, declaring that the Plaintiff Balasami Iyer is entitled to the possession of the suit property as the permanent lessee.

2. This property is nearly four acres in extent and includes the bit acquired by the Madura Municipality for which a compensation of about Rs.14,000/- was awarded to the Matt. Sri Vyasaraya Swami
In this connection a claim for higher compensation was preferred to the District Judge of Madura and an appeal against the judgment was filed before the High Court of Madras under the orders conveyed in Government Proceedings No.1478-9/M.F.167-15-4 dated 17th December 1915. On an application by Balasami Iyer he was

substituted as appellant in place of the Matt and the case heard. The claim was dismissed but Balasami Iyer will however be entitled to the compensation amount subject to the payment of a nominal rent of Rs.24/- annually.

3. When I was last at Madras I had a personal discussion with Mr. T. Narasimha Iyengar, High Court Vakil who was in charge of these cases and he is of opinion that there is a good case for the Matt to take before the Privy Council as the present decision of the High Court upsets the long established view as regards the nature of the interest vested in Matadhipathis. A written opinion was also obtained from him which is herewith submitted for the perusal of Government.

4. As the property involved is very valuable I beg to recommend that an appeal may be preferred to the Privy Council. The cost of the undertaking is estimated at about Rs.9000/- which will be met from the funds of the Matt, almost the whole of which will be recoverable as costs of the suit if the Matt is successful. Further steps will be taken on receipt of Government orders in the matter.

I have the honour to be,

Sir,

Your most obedient servant,

Muzrai Superintendent.

From

THE MUGHAL SUPERINTENDENT
AT SURAT

To

Dated

Despatched

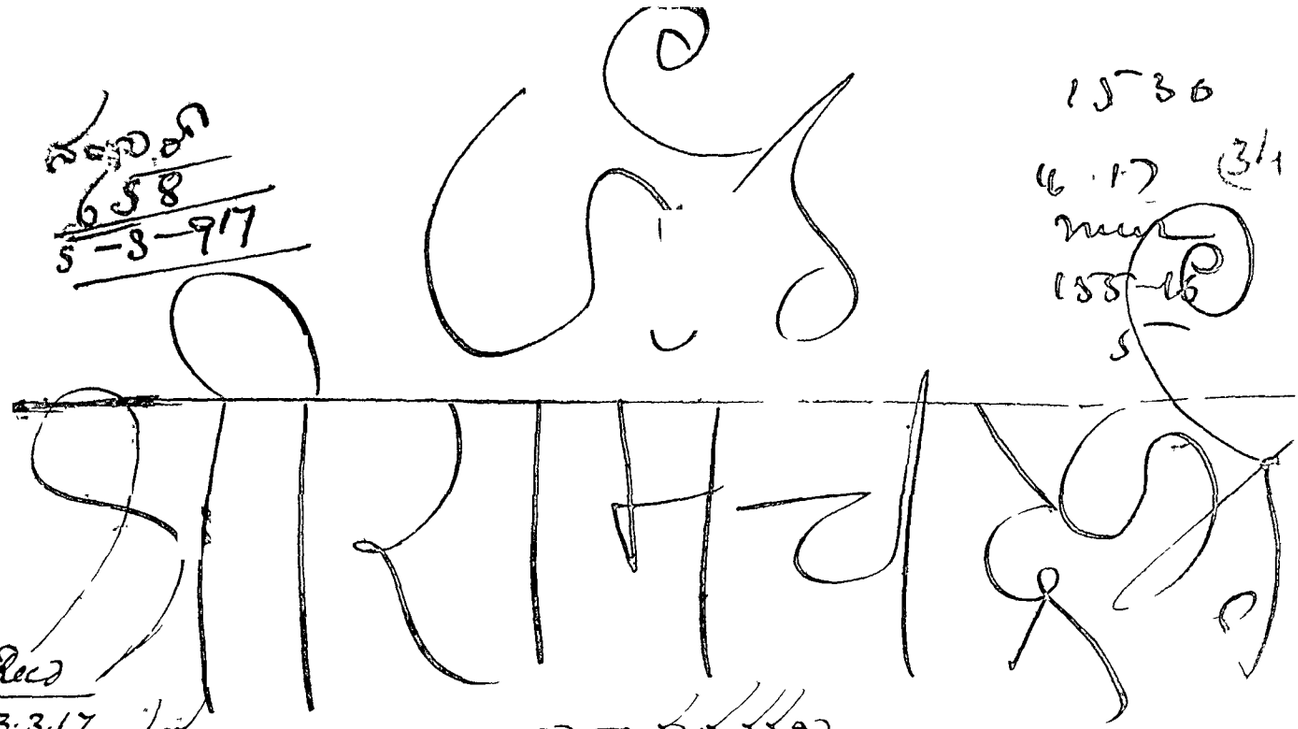
No.
Encls.

SUBJECT

No 2104
Inw 155-16-4 Dt 23rd February 1917
(Rept)

ముందరకు రాయండి మరియు మీ
పేరు చిరునామా, ఫోన్ నంబర్
మీరు ఏ కళాశాలలో చదువుతున్నారో
ఆ వివరాలు రాయండి. మీ
తల్లిదండ్రులు ఏ వృత్తిలో ఉన్నారో
వారి వివరాలు రాయండి.
మీ ఇంటి దగ్గర నుండి కళాశాలకు
ఎంత దూరం ఉంటుందో రాయండి.
మీరు ఏ వాహనంలో కళాశాలకు
వెళ్తారో రాయండి. మీ
ఇంటి నుండి కళాశాలకు
వెళ్ళడానికి ఎంత సమయం
పడుతుందో రాయండి.
మీ కళాశాలలో ఎన్ని
విభాగాలు ఉన్నాయో రాయండి.
మీ విభాగంలో ఎంత మంది
విద్యార్థులు ఉన్నారో రాయండి.
మీ విభాగంలో ఎంత మంది
అధ్యాపకులు ఉన్నారో రాయండి.
మీ విభాగంలో ఎన్ని
తరగతి గదులు ఉన్నాయో
రాయండి.

3. మీరు ఈ రోజు ఉదయం
నుండి రాత్రి పడుకునే
వరకు చేసిన పనులన్నీ
రాయండి. మీరు మీ
రోజువారీ పనులన్నీ
ఎలా ప్రారంభిస్తారో
రాయండి.



Rec'd
13.3.17
BrVII

ನಳ -- ನಾಮ ಸಂವತ್ಸರದ ಶ್ರಾ ಲ್ಗಾ ಳ್ಳ ದನಕಿ — — — ಮಲ್ಲು

ಶ್ರೀಮತ್ಪರಮಹಂಸಪರಿವ್ರಾಜಕಾಚಾರ್ಯರಾದ ಶ್ರೀಮದ್ವೈಷ್ಣವಸಿದ್ಧಾಂತಪ್ರತಿಸ್ಥಾಪನಾಚಾರ್ಯ
ರಾದ ಶ್ರೀಮದ್ರಾಮಚಂದ್ರದೇವರದಿವ್ಯಶ್ರೀಪಾದಪದ್ಮಾರಾಧಕರಾದ ಪದವಾಕ್ಯಪ್ರಮಾಣಪಾರಾವಾರ
ಪಾರೀಣಸರ್ವತಂತ್ರಸ್ವತಂತ್ರರಾದ ಶ್ರೀಮದ್ವ್ಯಾಸರಾಜರವರುಗಳ ವಿದ್ಯಾಸಿಂಹಾಸನಾಧೀಶ್ವರರಾದ
ಶ್ರೀಮದ್ವಿದ್ಯಾಶ್ರೀನಮುದ್ರತೀರ್ಥಶ್ರೀಪಾದಂಗಳವರೆ ಕರಕಮಲಸಂಜಾತರಾದ ಶ್ರೀಮದ್ವಿದ್ಯಾಶ್ರೀ
ರತ್ನಾಕರತೀರ್ಥಶ್ರೀಪಾದಂಗಳವರ ಕರಕಮಲಸಂಜಾತರಾದ ಶ್ರೀಮದ್ವಿದ್ಯಾಶ್ರೀವಾರಿಧಿತೀರ್ಥಶ್ರೀ
ಪಾದಂಗಳವರು ನಮಗೆ ಪರಮಪ್ರಿಯ ಕಾ ದ ಕಿಪ್ಪ ನಮ್ಮ ಳಿ ನಂ ಷ್ಟಾ ನ ದ ಕಮಾಜ ಕೈ ಜ್ಞ ಲಾ ಜಾ
ಸ್ಮಾ ಕ್ರಾಂ ಷಿ ಂ ಷಿ ಂ ಚ ರ್ಕಾ ದ ಂ ಜಿ ಂ ಳ್ಳಿ ಕಾ ಕಮಾ ಜೈ ಂ ಸ್ಮಾ ಶ್ರಿ — — ಗೆ
ಇತೋಧಿಕಶ್ರೇಯೋಭಿವೃದ್ಧ್ಯರ್ಥವಾಗಿ ಮೊದುವ ನಾರಾಯಣಸ್ಮರಣಪೂರ್ವಕ ಬರಿಸಿ ಕಳಿಹಿಸಿದ
ರಾಯಸವು ನಾನು ನಮ್ಮ ಶ್ರೀಶ್ರೀಯವರುಗಳ ಪರಮಾನುಗ್ರಹದಿಂದ ಕಾ ಷ್ಟಿ ಂ ಳ್ಳ ದ — ಲ್ಲಿ
ಸ್ನಾನಜಪದೇವತಾರ್ಚನೆವ್ಯಾಖ್ಯಾನಾದಿಗಳನ್ನು ಮಾಡಿಕ್ಕೊಂಡು ಏತನ್ನಿರುದ್ಧಕ್ಕೆ ಹ್ಲೇಮದಿಂದ
ಇರೋಣವಾಗಿದೆ ನಿಮ್ಮ ಹ್ಲೇಮಕ್ಕೆ ಆಗಿಂದಾಗ್ಗೆ ಬರಿಸಿ ಕಳುಹಿಸುತ್ತಿರ ಬರಹೇಕು ಸಾಂಪ್ರತಂ ನಿಲ್ಸು

ಳಿ ಕಿ ಸಿ ಕಳ್ಳಿ ಸಿ ದ 2104 / 154-16-4 ಸಿ ಲ ನಂ ಬಿ ಳ್ಳಿ ಕಿ ಬ್ರು ಕ ಡಿ ಟಿ ಸಿ ಲ್ಲ ಕಾ ಂ ಕಿ ಲ್ಲು
ನ ಸಿ ಜ್ಞಾ ಕ ನಾ ಕ ಶ್ರಿ ಕಾ ಂ ಬಿ ಂ ಜ್ಞ ಕ ಲ ಕಿ ಯ ಳ್ಳಾ ಳ್ಳಿ ಕ್ರಾ ಂ ಯ ಕಾ ಂ ಬಿ ಜ್ಞ
ಕು ಷ್ಟಿ ಕಾ ಂ ಚ ಬಿ ನಿ ಸಿ ಸಿ ಲ ಕ ದ ಳ್ಳ ಕ ಕಾ ಂ ಳ್ಳ ಕ್ರಾ ಕು ಕ ಳ್ಳಿ ಜ್ಞಿ ಲ ಯ ಕ ಳ್ಳಿ ಸ್ಮಾ ಕಾ ಂ
ಳ್ಳಿ ಸ ನ ಜ ಂ ಯ ಕ ಳಿ ಎ ಬ್ಬಿ ಳ್ಳಾ ಬಿ ಸಿ ಂ ಕ ಬ ಕಾ ಂ ಯ ಳಾ ಂ ಜ ಸಿ ಕ ಂ ಡಿ ನ ಯ ಕ ಕಾ ಂ ಡ್ಡಿ
ಕ ಕಿ ನ ಳ್ಳಿ ಂ ದ ಳ್ಳಾ ಂ ಯ ಂ ಸ್ಕೆ ತ್ಯಾ ಸಿ ಲ ಸಿ ಕೊ ಕ ಳ್ಳಿ ಬ್ಬು ಳ್ಳಿ ಕಿ ಸಿ ಆ ಕ ಆ ಂ ದ ಳಾ ಂ ಎ
ಳ್ಳಾ ಂ ಬಿ ಆ ಂ ಎ ಳ್ಳಿ ಕಿ ಂ ಬಿ ಯ ಕ ಸಿ ಸಿ ಖ ಕ ಲ ದ ಮೂ ಲ ಕ ಜ್ಞ ಜ್ಞಾ ಳ್ಳಿ ಕ್ರಾ ಂ ಕ ಳಾ ಂ ಕಿ ಬ್ಬು ಕ ದ
ಸ್ನ ತ್ರಿ ಲ ಯ ಕ ಕ್ಷ ಳಾ ಂ ಕ ಕ್ಕೊ ಎ ಕ ಯ ಕೂ ಕಿ ಸಿ ಕೊ ಳ್ಳ ಯ ಮ್ರ ಂ ಯ ಷ್ಟಿ ಸಿ ದ ಸ ಂ ದ ಳ್ಳ ನ್ದ ದ್ಧ ಳ್ಳಿ ಸ್ಮಿ ಸ್ಮಂ
ಳ್ಳಾ ದ ಳ್ಳ ಬ ಕ ಳಾ ಂ ಕ ಕಿ ಳ್ಳ ಸ ಸ ಕೊ ಲ ಬ ನ ಳ್ಳ ಳ್ಳ ಕ್ಕೆ ಖ ಕೂ ನು ಯ ಳ್ಳಿ ಸಿ ಲ ಕ ಕ್ಕ ಳ್ಳಿ ಸ್ಮಿಂ
ಕ ಯಾ ಯ ದ ಳಾ ಂ ಬೆ ಳ್ಳಿ ಕೊ ಲ ಬಿ ನ್ಸ ಳ್ಳಿ ಜ್ಞಿ ಲ ಯ ಕ ಳ್ಳಿ ಸ್ಮಿ ಬ ಳ್ಳಿ ಸ ದ ನ್ಬಾ ಂ ಯ
ಡಿ ಕೊ ಕಿ ಂ ಯ ಡಿ ಕಿ ಬೊ ಖ ದ್ದ ಕೂ ಬ ಡಿ ಕೊ ಲ ಕ ಳಾ ಂ ಕ ಳ್ಳಿ ಸ್ಮಿ ನ ಳಾ ಂ ಕ ಳ್ಳಿ ಸ್ಮಿಂ ಕ ಯಾ ಂ ಕ ಲ ದ ಶ್ರಿ ಬ

ಕಿಣಸಿಕೊಲತಿತ್ರಿ.ಇ.ಕ್ಕಾಣನತಸಿಆಕಿಲಲಾಸೂತಷಿಲಕಿಂಕಲಂಸವದಿಆಲಲಿ

ಸಂಪ್ಪತ್ತಿಯರಕ್ಕಿಸ್ಥಾಂತರರಸಂಸಾಂಯುವಪ್ಪಳಚಲಳ್ಳುತ್ತಿಜಿಪದಕ್ಕಿನಸ್ಸನ್ನಪ್ರಾಪ್ತಾ

ಯುಸನ್ನಸೂಡಿಯಿಷ್ಟಿನಷಿಲಕಿಂದುಬರಿಸಿತಿಪ್ಪಿಲ್ಲ — ಕ್ಕೈಚಾರದಪ್ಪಿಸಾ

ರಸ್ಪಿಂಚಿನವರಿಸಿಕೊಲ್ಲಲ್ಲಂಡಕೊಳ್ಳಾದ್ದರುವಸ್ತ್ರಿತ್ರಿ.ಇ.ಕ್ಕಾಸಸತಸಿಷ್ಠಿಂಲದಾಸ್ಸು

ತಿಲಿಸಿದ್ದಪ್ಪಂಸುಸುತ್ತಕಿಂಬದೃಷ್ಟಿಕೆಸಾಲಿಬಲಂಪ್ಪಿಲ್ಲ.ಭ್ಯಾಂಕಿಷಿಟಿಚಿಸಾಳುಸಸ್ಸಿ

ಸಲುಸ್ಕೈಷಿಪ್ಪಿದುಷ್ಠಾಲಸಸ್ಯಾದ್ಧರಿಂದದಲಂಪ್ಪಕ್ಕೆಡುಕ್ಕೆಸಾರಿದರಸಾ.ಕ್ಕಾಂಯಿಸಲಸ್ಸಿ

ಲಿಷ್ಟಪ್ಪಿದಾಸಂಪ್ಪಸರಿಕಿಸಾಬದ್ಧವಸಾನಪ್ಪಸಸದಪ್ಪಸಾಸಸಯಸುಷ್ಟಾಸಸಯಸುಷ್ಟಾಕ್ಕಾಯಿಂ

ದ್ಧಾಷಿಕೊಲತಪ್ಪಿಬಲಂಪ್ಪಿಸದಪ್ಪಿಸ್ಸಿಡಿಲಿಲಸಆಪ್ಪಿಸಸಾಸಸಯಸುಷ್ಟಿಸಿಲಿಷ್ಟಿ

ಷ್ಟಿಲಿಷಿಸಿಷಷ್ಟಿಸಕಪ್ಪಿಪ್ಪಿಲಸಿಪ್ಪಿಸಾಂಸಸಲಪ್ಪಿತ್ತಿಲಪ್ಪಿಲಂಸುಸ್ಸಿಲಪ್ಪಿಸ

ಸಪ್ಪಿಲಸಪಸಸ್ಸಿದ್ಧಾಂಸದಪ್ಪಿಷಿಸಸ್ಸಿತ್ರಿಲಂಸುಃತ್ರಾಕ್ಷಸಿಂಪ್ಪಸುಸಾಂಪ್ಪಾ

ಸ್ಸಿಕೊಲಪ್ಪಾಂಸಷಿಸಿಸಿಷಿಷಸಸಸ

G.R.S. 28]

& REV. SECRETARIAT. 3 1 2 TYPIC sec. 17 MAR 1917

Diary No. of letter replied to 1197

GENERAL AND REVENUE SECRETARIAT.
(Mug)

, the 191

Date of issue 17. 3. 1917

Signed by M R Ramaswamy Iyengar

May this be

i printed?

ii treated as a standing order?

iii published in the Gazette English part?

iv translated?

v placed at the disposal of the Press?

vi published in the Gazette Kannada part?

from to an appeal being preferred to the ~~in matter of the claim~~ of the in Madras Privy Council ~~in the matter of the claim~~ against the decision of the High Court of Madras ~~for a certain land in Madura~~ Vyasarayaswami Mall ~~laid out by a previous owner of the land~~ relative to ~~his property situated in~~ Madura.

File No. 155-16

Serial No. 6

Proceedings of the Government of His Highness the Maharaja of Mysore

READ—

G.O no. 643-4/Mug.F 155-16-2 dt 22-9-16 sanctioning an advance of Rs 250/- from the funds of the Sri Vyasarayaswami Mall to meet the cost of defence in the appeal preferred to the High Court of Madras by Puliyadi Balasami Iyer against the decree of the court of the Temporary Sub-Judge of Rannad in O.S. no. 61 of 1914

over

ORDER THEREON.—No.

SUBJECT.

re land in Arapalyam village, Madura Taluk, belonging to the Sri Vyasaraya Swami Matha.

2) Letter no. 877 & 25.1.17 from the Mufassil Supdt. in Mysore submitting copies of judgment & decree passed in appeal no 52 of 1915 by the High Court, declaring that Puliyadi the Plaintiff Balasami Iyer (Plaintiff) is entitled to the possession of the said property as the permanent lessee of certain valuable properties within the municipal limits of Madura Town and recommending that, the property involved being a very valuable one, an appeal may be preferred to the Privy Council.

2) Unofficial note no. 44 & 8.2.17 from the Govt Advocate furnishing his opinion at length in the matter of the proposed appeal and stating that the correctness of the decision of the Madras High Court is open to doubt & an appeal may be preferred to the Privy Council, if the funds of the Matt will permit of it.

recommending that the High Court's Vakil who was in charge of the case, that an appeal to the Privy Council

3. Srimukha no 658 & 5.3.17 from the Swamigalu of the Sri Vyasaraya Swami Matt stating that he has no objection to the proposed appeal to the Privy Council and that the Govt consider that there are sufficient grounds exist for success to the Matt.

& the Govt consider that there are sufficient grounds.

G.R.S. 27] D 17. 3. 1917.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

Order thereon:— 2313-4 Enc 5 &
mrs 153-16-6 2 files

The Muzrai Supdt. states that the property in question, which is nearly four acres in extent, and for a bit of which acquired by the Madura Municipality a compensation of about Rs 14,000 was awarded by them, is a very valuable one; that Mr. T. Narasimha Iyengar, High Court Vakil, who was in charge of the defence, is of opinion that there is a good case for the matt to take before the Privy Council, as the present decision of the High Court upsets the long established view as regards the nature of the interest vested in Mahadhipathis; and that the cost of the undertaking estimated at about Rs 9000 will be met from the funds of the matt, almost the whole of which [illegible]

The property in dispute is reported to be a valuable one estimated to be worth about Rs 40,000 and it is further urged that the decision will also adversely affect the properties of the matt. The Govt are accordingly pleased to sanction the Muzrai Supt's proposal to prefer an appeal to the Privy Council, the whole cost being borne from the Matt funds.

~~Sd~~ The Muzrai

recoverable as costs of the suit, if the matt is successful.

2. Under the circumstances represented and in view of the Govt Advocate's opinion in favour of the proposed appeal, Govt are pleased to accord sanction for an appeal being preferred to the Privy Council, provided the cost is correctly estimated and the matt consents to bear the entire amount.

Supdt is requested ~~to take the necessary steps~~ to obtain such accurate information as regards the estimated cost of the litigation and to take the necessary steps to prosecute the appeal diligently

3 The Compbr to Govt is requested to authorize the Manyai Supdt to draw the sum of Rs in advance from the Matt funds subject to adjustment in due course

for Secretary
Genl Depty.

To.
17/3/17
The Manyai Supdt in response
refg the enclos:
a Compbr to Govt

GPB—20,000—16-2-14

Fair draft

Proceedings of the Government of His Highness
the Maharaja of Mysore.

Read--

Letter No.877 dated 15th January 1917 from the Inspector General Superintendent in Mysore submitting, copies of [illegible] decree passed by the High Court in appeal No.[illegible] of 1915 declaring that Puliyathi Kesavan Iyer (Plaintiff) is entitled to the possession on permanent lease of certain valuable properties within the municipal limits of Madura town and recommending in the opinion of the High Court Valid who was in charge of the case, that an appeal may be preferred to the Privy Council.

2. Unofficial note No.14 dated 8th January 1917 from the Government Advocate summarising his opinion to the effect that the correctness of the decision of the Madras High Court is open to doubt and that an appeal may be preferred to the Privy Council, if the Mysore Rules will permit of it.

3. Criminal Petition No.208, dated 5th January 1917 from the Examiner of Palaces, Mysore, submitting the petition of Sri Mysore Kesavamurthi Pillai, praying that he may have no objection to the proposed appeal if the Govt consider that there are sufficient grounds.

Order thereon:-- No. 2313-4 Enc 5 & 2 files
Misc 155-16-6
Dated, Bangalore, the 17th April 1917

The property in litigation is described to be valuable and estimated to be worth about Rs.[illegible] and it is stated that the principle of the decision will have a material effect on other properties of the kind. The Government are pleased to sanction the Inspector General's proposal to prefer an appeal to the Privy Council, the costs to be borne from the Land Funds.

The Mauzai Superintendent is requested to obtain more accurate information as regards the estimated cost of the litigation and to take the necessary steps to prosecute the appeal diligently.

17.3.17

Secretary to Government,
General Department.

To

The Mauzai Superintendent in Mysore,
returning the enclosures.
" Comptroller, Mysore Government.

MRH. 5.